

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF JOHN M. FRANKLIN FOR A § No. 239, 2012
WRIT OF CERTIORARI §

Submitted: May 21, 2012
Decided: June 27, 2012

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 27th day of June 2012, upon consideration of John Franklin's petition for a writ of certiorari, as well as the State's answer and motion to dismiss, it appears to the Court that:

(1) Franklin seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari directing that his criminal convictions be vacated. The State of Delaware has filed a response to Franklin's petition and moves to dismiss. We conclude that Franklin's petition manifestly fails to invoke the original jurisdiction of this Court and therefore must be dismissed.

(2) A writ of certiorari is an extraordinary remedy that is used to correct irregularities in the proceedings of a trial court.¹ Certiorari is available to challenge only a final order of a trial court where the right of appeal is denied, a grave question of public policy and interest is involved, and no other basis for review is available.²

¹ *Shoemaker v. State*, 375 A.2d 431, 437 (Del. 1977).

² *Id.* at 437-38.

“Where these threshold requirements are not met, this Court has no jurisdiction to consider the petitioner's claims, and the proceedings will be dismissed.”³

(3) In this case, Franklin is challenging convictions that were affirmed by this Court in 2005 on direct appeal.⁴ He now argues that his convictions should be vacated because the information filed against him was defective and because the State withheld evidence. Both of these claims could have been raised on direct appeal or in any of his prior postconviction petitions. A petitioner who has or had an adequate remedy in the appellate process may not invoke the original jurisdiction of this Court through the writ process as a means to argue issues that were or could have been considered on direct appeal.⁵ Because Franklin has failed to establish that his petition involves a question of grave public policy and interest for which there was no other basis for review, we conclude that his petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

³ *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

⁴ *Franklin v. State*, 2005 WL 528674 (Del. Mar. 2, 2005).

⁵ *In re Woods*, 2010 WL 2164529 (Del. May 28, 2010).